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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/779,869 | 02/17/2004 | Robert F. D'Ausilio | IOS9601-CIPD | 1482 |
| 7590 | 10/19/2005 | | EXAMINER | |
| Giaccherini Post Office Box 1146 Carmel Valley, CA 93924 | | | SWIATEK, ROBERT P | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3643 | |

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/779,869 | D'AUSILIO ET AL. | |
| | Examiner | Art Unit | |
| | Robert P. Swiatek | 3643 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 July 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-85 is/are pending in the application.
 4a) Of the above claim(s) 2 and 4-85 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1 and 3 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10-1-04 et al.</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In accordance with the election filed 25 July 2005, claims 1, 3 have been given an action on the merits; claims 2, 4-85 have been withdrawn from consideration.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 are rejected under 35 U.S.C. 102(b) as being anticipated by the article entitled “Nuclear Electric Propulsion of Spacecraft” by Martin (reference 2A on Information Disclosure Statement filed 18 July 2005). The article describes—and Figure 6 illustrates—a design for a nuclear spacecraft to be operated in Earth orbit. The spacecraft includes a radiation shield (inherent in the design of a nuclear power system, but essentially the conical “shadow shielding” shown below the power generating module of the left-hand portion of Figure 6 of Martin and described on page 520, column 1, lines 1-3, of the reference) and a docking unit, deemed to constitute a “grasping means” for interacting with other satellites. The spacecraft would possess kinetic energy by virtue of its orbital motion; the kinetic energy of the craft during a docking procedure would necessarily cause at least slight angular movement of any satellite with which the nuclear spacecraft was docking.

Claims 1, 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as

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the invention. Claim 1, line 1, is unclear in that it does not express a specified function for the method.

The abstract of the disclosure is objected to because in line 1, "is disclosed" should be deleted. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 2, the relationships of each recited US patent application, i.e., *continuation*, *continuation-in-part*, to the instant application and to each other are not set forth in the accepted manner. Moreover, in line 10, the missing serial number should be provided.

Appropriate correction is required.

The patents to Fogarty (US Re. 27,903), Myers (US 4,718,709), Howard (US 4,750,692), and Gernhardt et al. (US 5,320,395) have been cited to provide additional examples of satellite capturing and grasping implements.

RPS: Q571/272-6894
12 October 2005

Robert P. Swiatek
ROBERT P. SWIATEK
PRIMARY EXAMINER
ART UNIT 32 3643